

25 SEP 2003

P21250.A04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tetsuro TOYODA et al.

Group Art Unit : 2862

Appln. No : 09/869,312  
(National Stage of PCT/JP00/00355)

Examiner : Unknown

Filed : November 8, 2001  
(I.A. Filed January 25, 2000)

For : DESCRIBING AND STORING METHOD OF ALIGNMENT INFORMATION

**RESPONSE TO PAPER DATED AUGUST 26, 2003  
AND  
STATEMENT THAT THE CONTENT OF THE PAPER AND  
COMPUTER READABLE COPIES ARE THE SAME**

Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Defective Response (copy enclosed) dated August 26, 2003 indicating that the nucleotide and/or amino acid sequence disclosure in the application did not comply with the requirements of 37 C.F.R. 1.821- 1.825, Applicants submit herewith paper and computer readable copies of the Sequence Listing. Inasmuch as the one-month period for response was set in the Paper to expire on September 26, 2003, this response is being filed in a timely manner. Authorization is hereby provided to charge any necessary fees, such as any necessary extension of time fees, to Deposit Account No. 19-0089.

Applicants note that the Paper dated August 26, 2003, is entitled Notification of Defective Response and states that the sequence listing requirement of the Notification of Missing Requirements dated October 2, 2001 was not completed. However, Applicants are attaching

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herewith a copy of the Notification of Missing Requirements dated October 2, 2001, and note that it does not contain a requirement to file paper and/or computer readable forms of the sequence listing. Applicants therefore, respectfully submit that their response to the Notification of Missing Requirements dated October 2, 2001, filed on November 8, 2001 was complete, and should not be considered to be defective.

Applicants respectfully request that the Patent and Trademark Office withdraw the Notice of Defective Response and reinstate the Notice of Acceptance dated December 5, 2001 and accord Applicants the date of November 8, 2001 as the date of receipt of all 35 U.S.C. requirements.

Applicants further note that a sequence listing in the present case is not required because the sequences disclosed in the specification are done so to serve as examples of Applicants' claimed method. The sequences are not claimed, nor are they essential to the disclosure of the application. The stated reason for the sequence requirement rules is to increase the database of sequences within the Patent and Trademark Office. However, requiring the submission of the sequences disclosed in this case does not advance this goal. Therefore, Applicants respectfully submit that the requirement should never have been made, and should be withdrawn. However, to advance prosecution, Applicants have included paper and computer readable forms of the sequences disclosed in the application.

Accordingly, for all of the reasons set forth above, the Notification of Acceptance should indicate a date of receipt of all 35 U.S.C. requirements of November 8, 2001.

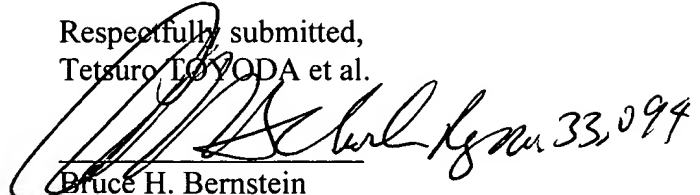
In accordance with 37 C.F.R. 1.821(f), the undersigned hereby states that the information recorded in the computer readable form is identical to the written sequence listing.

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Applicants hereby state that the submission, filed in accordance with 37 C.F.R. 1.821(h), herein does not include new matter.

Should there be any questions, the Examiner is invited to contact the undersigned at the below listed telephone number.

Respectfully submitted,  
Tetsuro TOYODA et al.

  
Bruce H. Bernstein  
Reg. No. 29,027

September 24, 2003  
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